

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

GARY W. HUBBS

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NO. 3:19-CR-15-8

ORDER

Magistrate Judge C. Clifford Shirley, Jr. filed a report and recommendation, recommending that the Court: (1) find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (2) grant Defendant's motion to withdraw his not guilty pleas to Count One and Count Two of the Superseding Indictment; (3) accept Defendant's pleas of guilty to the lesser included offense in Count One of the Superseding Indictment, that is, conspiracy to distribute and possession with the intent to distribute a mixture and substance containing a quantity of fentanyl, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C), and Count Two of the Superseding Indictment, that is, conspiracy to commit money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 1956(h); (4) adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One and Count Two of the Superseding Indictment; and (5) find that Defendant shall remain in custody until sentencing in this matter [D. 130]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation.

Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [D. 130] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) As set forth on the record, Defendant's plea hearing could not be further delayed without serious harm to the interests of justice;

(2) Defendant's motion to withdraw his not guilty pleas to Counts One and Two of the Indictment is **GRANTED**;

(3) Defendant's pleas of guilty to the lesser included offense in Count One of the Superseding Indictment, that is, conspiracy to distribute and possession with the intent to distribute a mixture and substance containing a quantity of fentanyl, a Schedule II controlled substance, and heroin, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C), and Count Two of the Superseding Indictment, that is, conspiracy to commit money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 1956(h), are **ACCEPTED**;

(4) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One and Count Two of the Superseding Indictment;

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **November 10, 2020 at 2:30 p.m. in Knoxville** before the Honorable Pamela L. Reeves, Chief United States District Judge.

SO ORDERED.

ENTER:


PAMELA L. REEVES
CHIEF UNITED STATES DISTRICT JUDGE